

REMARKS

The present application was filed on October 23, 2003 with claims 1-37. Claims 1, 17, 29-31 and 37 are the independent claims.

In the outstanding Office Action dated June 19, 2007, the Examiner: (i) rejected claims 1-35 and 37 under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 7,020,697 to Goodman et al. (hereinafter “Goodman”); and (ii) rejected claim 36 under 35 U.S.C. §103(a) as being unpatentable over Goodman in view of U.S. Patent Application Publication No. 2004/0003080 to Huff (hereinafter “Huff”).

With regard to the §102(e) rejection of claims 1-35 and 37, Applicants initially note that MPEP §2131 specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully traverse the §102(e) rejection on the ground that the Goodman reference fails to teach or suggest each and every limitation of claims 1-35 and 37 as alleged.

Independent claim 1 recites a method of serving data to a plurality of clients in a client-server environment, comprising the steps of: providing a plurality of versions of data in which at least two versions have different overheads associated therewith; assigning individual clients to one of a plurality of quality-of-service classes; and satisfying requests so that a client belonging to a high quality-of-service class is given preferential access to data versions which require higher overheads to serve. Independent claims 17, 29-31 and 37 recite certain similar limitations, as well as other limitations. Advantageously, the claimed invention provides that clients belonging to higher quality of service classes may be given preferential access to higher quality content (i.e., in many cases, higher quality content requires more overhead to serve).

Goodman has absolutely nothing to do with serving data to a plurality of clients wherein requests are satisfied so that a client belonging to a high quality-of-service class is given preferential access to data versions which require higher overheads to serve (e.g., higher quality content).

The Examiner cites column 69, lines 15-18; column 99, lines 52-61; and column 25, 3-21, in rejecting the steps of the independent claims; however, no where do these portions or any portions of Goodman teach or suggest the recited elements of the independent claims.

For instance, in rejecting the claimed step of providing a plurality of versions of data in which at least two versions have different overheads associated therewith, the Examiner cites column 69, lines 15-18:

... data management tools provide backup and restore facilities for data, and also provide configuration management for multiple versions of data, maintaining consistency among versions of test data.

However, Goodman clearly does not indicate that such multiple versions have different overheads associated with them.

In rejecting the claimed step of assigning individual clients to one of a plurality of quality-of-service classes, the Examiner cites column 99, lines 52-61:

The quality of service services 244 may also use data prioritization to improve network performance. While not an example of end-to-end QoS, various network components can be configured to prioritize their handling of specified types of traffic. For example, routers can be configured to handle legacy mainframe traffic (SNA) in front of other traffic (e.g., TCP/IP). A similar technique is the use of prioritized circuits within Frame Relay, in which the Frame Relay network vendor assigns different priorities to different permanent virtual circuits.

However, it is clear that Goodman only discloses prioritized handling of entire classes of traffic. Goodman does not disclose assigning individual clients to different quality of service classes. It can also be understood that Goodman does not disclose quality of service classes either.

Lastly, in rejecting the claimed step of satisfying requests so that a client belonging to a high quality-of-service class is given preferential access to data versions which require higher overheads

to serve, the Examiner cites column 25, lines 3-21:

The CIP then plans and manages improvement related activities such as: define explicit criteria for assigning priority; consider raising the priority of low-priority opportunities that can be completed quickly; maintain a mix of high-priority and sure successes to ensure the continued momentum of the continuous improvement program; define the opportunity selection process; identify the resource allocation process; define the scheduling process; identify how the effort will be monitored; identify the procedure for communicating results to the organization; establish a continuous improvement organization to support the process; prioritize and classify opportunities; select projects; allocate resources and scheduling; monitor effort; and, support a standard process improvement process across the project. While maintaining quality at a program level, the quality management team 510 must liaise with each of the organizational units within the development architecture 500 in order to monitor the quality management processes within these units.

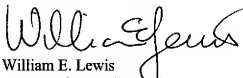
However, Applicants are completely unclear as to how this portion of Goodman (or any portion of Goodman) discloses that requests are satisfied so that a client belonging to a high quality-of-service class is given preferential access to data versions which require higher overheads to serve. This is because Goodman clearly does not teach or suggest such limitations.

Similar deficiencies are evident in the use of Goodman to reject the other independent claims. Also, Huff fails to remedy any of the deficiencies of Goodman.

Regarding the dependent claims of the present application, it is asserted that they are patentable over the cited references not only due to their dependence of respective ones of the above-mentioned independent claims, but also because such claims recite separately patentable subject matter.

In view of the above, Applicants believe that claims 1-37 are in condition for allowance, and respectfully request withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis". The signature is fluid and cursive, with the first name "William" being more prominent and the last name "Lewis" following in a similar style.

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